

01-28-04

3679

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application f:

Thru-Tubing Technology, Inc.
Serial No.: 09/898,735
Filed: 3 July 2001
For: "Ribbed Sealing Element and Method of Use"
Docket No.: 115.015

Art Unit: 3679

Examiner: James M. Hewitt

Mail Stop Non-Fee
Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL LETTER

Sir:

Enclosed are the following:

1. Certificate of Express Mail;
2. Amendment;
3. Copy of Notice of Non-Compliant Amendment
4. Stamped postcard;
5. Please charge any additional fees due, or credit any overpayment, to deposit account 50-1822.

Please note that this Amendment was initially filed on 11 December 2003 in response to a Non-final Office Action. Also note that when the Amendment was filed on 11 December 2003, a Petition and Fee for a Three-month Extension of Time was filed simultaneously. Applicant received a Notice of Non-Compliant Amendment (copy attached) that stated that the Amendment was not compliant because the Amendment did not have a complete listing of all claims. Accordingly, attached to this Amendment Transmittal Letter is the Amendment with the proper listing of all claims. As set out in the Notice, only the Amendments to the claims section of Applicant's Amendment have been re-submitted.

Certainly, if the office has any questions or further requirements, the undersigned would welcome a telephone call from the Patent Office. If it would aide in disposition of this matter, the Patent Office is kindly requested to contact the undersigned.

Respectfully submitted,

Date: 26-Jan-2004



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Domingue & Waddell, PLC
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"Express Mail" mailing label number EV260419223US

Date of Deposit 21 January 2004

CERTIFICATE OF EXPRESS MAIL

I hereby certify that the attached Express Mail Certificate, Amendment Transmittal Letter, Amendment, Copy of Notice of Non-Compliant Amendment, and a stamped postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,


Gloria Richard



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10 Mail Stop Non-Fee
 Amendment
 Commissioner for Patents
 P. O. Box 1450
15 Alexandria, VA 22313-1450

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

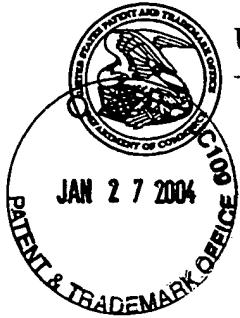
20 Sir:

This is in response to the Office Action dated 16 June 2003 and the Notice of Non-Compliant Amendment mailed 8 January 2004; please enter the following amendment and remarks.

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Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this page.

UNITED STATES PATENT AND TRADEMARK OFFICE



JAN 27 2004

SW
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1450
 ALEXANDRIA, VA 22313-1450
 www.uspto.gov

Paper No. _____

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12-11-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____
- 3. Amendments to the drawings: _____
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/preonotice/officenotice.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Eric Pantle
 Legal Instruments Examiner (LIE)

703-305-3757
 Telephone No. _____